

House Daily Reader

Friday, January 21, 2000

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State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

870D0103

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1009** - 1/19/00

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to redefine what marks are prohibited on a ballot and to
2 require the county auditor to provide certain directions in conducting a recount.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-18-22 be repealed.

5 ~~12-18-22. No voter shall place any mark upon his ballot by which it may afterwards be~~
6 ~~identified as the one voted by him.~~

7 Section 2. That chapter 12-18 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 If a name is written on a ballot in an attempt to cast a write-in-vote, the vote cast for that
10 particular office may not be counted. However, any vote cast for any other office may be
11 counted.

12 Section 3. That § 12-21-20 be amended to read as follows:

13 12-21-20. The county auditor, immediately on the ~~due~~ filing ~~with him~~ of any petition for a
14 recount or upon receipt from the secretary of state of notice of such filing with the secretary of
15 state, shall notify in writing, with the seal of ~~his~~ the auditor's office, the presiding judge of the
16 circuit court for ~~his~~ the auditor's county. The presiding judge shall appoint a board, ~~as is provided~~

1 ~~by pursuant to~~ § 12-21-2, for each county in ~~his~~ the circuit in which a recount is to be conducted.

2 The presiding judge may appoint the board ~~provided by § 12-21-2~~ anytime within thirty days

3 prior to a primary or general election or upon the filing of the petition for recount. The board

4 shall then convene in the office of the county auditor on the second Monday, ~~at ten o'clock in~~

5 ~~the morning at ten a.m.~~ following the filing of ~~such~~ the petition, ~~unless that day. However, if the~~

6 second Monday is a legal holiday, ~~in which case~~ the board shall convene at ten o'clock in the

7 ~~morning a.m.~~ of the day following, ~~and. The county auditor shall provide the recount board with~~

8 laws, rules, and forms to use in conducting the recount. The board shall then proceed with the

9 recount.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to committee assignment waived. H.J. 13

3 1/14/00 Referred to State Affairs. H.J. 48

4 1/19/00 Scheduled for Committee hearing on this date.

5 1/19/00 State Affairs Do Pass Amended, Passed, AYES 10, NAYS 1. H.J. 127

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0312

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HB1022** - 1/19/00

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to revise and repeal certain hunting, trapping, and fishing
2 activities, restrictions, and prohibitions, and certain game and fish storage and transportation
3 requirements, and to provide for a penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 41-8-28 be amended to read as follows:

6 41-8-28. Any person who steals, damages or destroys a trap of another employed in the
7 manner defined in subdivision ~~41-1-1(21)~~ 41-1-1(25), or who steals, damages or destroys
8 animals, animal carcasses, or the pelts thereof, held fast by such traps, is guilty of a Class 1
9 misdemeanor. A violation of this section is also subject to § 41-8-29.

10 Section 2. That § 41-14-4 be amended to read as follows:

11 41-14-4. No person may place in or accept into public storage any game bird, game fish, or
12 game animal may be placed in public storage unless the game bird, game fish, or game animal has
13 attached to it a tag showing the owner's name and address, the number and kind of bird, fish, or
14 animal and the date the bird, fish, or animal is placed in storage. For the purposes of this section,
15 public storage is any business that stores game birds, game fish, or game animals for a fee or a
16 convenience. A violation of this section is a Class 2 misdemeanor.

Section 3. That § 41-14-8 be amended to read as follows:

41-14-8. Any person licensed under the provisions of chapter 41-6 may carry ~~with him~~ as personal baggage any small game or fish lawfully taken or possessed. ~~Shipment by common carrier or transportation by a~~ No person may ship or receive for shipment by common carrier any small game or fish unless the container containing the small game or fish has affixed to the outside of the container a clearly visible statement containing the following information:

- (1) The name, address, and license number of the person shipping the small game or fish;
- (2) The number and species of all small game and fish in the container;
- (3) The date of shipment; and
- (4) The name and address of the person to whom the small game or fish has been shipped.

A person other than the licensee is permissible may transport small game or fish with a transportation and shipping permit. A permit may be obtained from a conservation officer shall issue a transportation and shipping permit or a designee without a charge. A violation of this section is a Class 2 misdemeanor.

Section 4. That § 41-8-33 be repealed.

~~41-8-33. No person may set, lay, prepare, or have in possession any trap, snare, artificial light, net, bird line, swivel gun, or set gun, or any contrivance for the purpose of catching, taking, attempting to take, or killing any game animals or birds, except that decoys and stationary blinds may be used in hunting game birds and animals. A violation of this section is a Class 2 misdemeanor.~~

Section 5. That § 41-14-26 be repealed.

~~41-14-26. It is a Class 2 misdemeanor for any express company or other common carrier to receive, ship, or transport any fish taken or killed in any of the waters of this state unless such shipment is accompanied by a permit issued by a state conservation officer.~~

Section 6. That § 41-14-27 be repealed.

1 ~~41-14-27. Nothing in this chapter shall be construed to prevent the holder of a valid fishing~~
2 ~~license from personally carrying with him as baggage on any train or other conveyance, fish~~
3 ~~which may be legally in his possession, and any common carrier shall be permitted to carry such~~
4 ~~fish as baggage when same are accompanied on the same train or other conveyance by the person~~
5 ~~who is legally in possession of the same.~~

6 Section 7. That § 41-14-28 be repealed.

7 ~~41-14-28. It is a Class 2 misdemeanor for an employee of any common carrier to carry any~~
8 ~~fish, or any part thereof, with him either as baggage or otherwise, while engaged in the~~
9 ~~performance of the duties of his employment.~~

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to Agriculture and Natural Resources. H.J. 16

3 1/18/00 Scheduled for Committee hearing on this date.

4 1/18/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 10, NAYS 2.

5 H.J. 126

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0313

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HB1023** - 1/19/00

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain equipment in hunting activities
2 at night, to provide certain exemptions from such prohibition, and to revise a related penalty.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-8-17 be amended to read as follows:

5 41-8-17. ~~No~~ During the time from sunset to sunrise, no person may use or possess night-
6 vision equipment or throw or cast the rays of a spotlight, headlight, or other artificial light on any
7 highway, or in any field, pasture, woodland, forest, or prairie, for the purpose of spotting,
8 locating, or taking or attempting to take or hunt any animal while having in possession or control
9 any firearm, bow or other implement whereby any game could be killed. However, ~~outside of the~~
10 ~~Black Hills fire protection district:~~

11 (1) A person may use a hand held light while on foot, to take raccoons ~~after they have~~
12 ~~been treed by dogs;~~

13 (2) A landowner or occupant and one guest accompanied by the landowner or occupant
14 may use an artificial light on ~~his~~ the owner's or occupant's land, with a shotgun using
15 shot shells only or a firearm using a .22 caliber rimfire cartridge, in the taking of
16 ~~rabbits, hares~~ jackrabbits, coyotes, beaver, foxes, raccoons, opossums, badgers,

skunks, or rodents; and

(3) Any person employed by the Department of Game, Fish and Parks ~~as performing~~ animal damage control ~~officer~~ may use night-vision equipment and artificial lights in the performance of ~~his~~ the person's duty ~~in the taking of nuisance animals on private land if the person has obtained written. In the taking of animals causing damage the~~ employee shall obtain permission from the owner or lessee of such land.

For the purposes of this section, night-vision equipment is an optical device utilizing light amplifying circuits that are electrical or battery powered. The provisions of this section do not apply to a law enforcement officer in the performance of ~~his~~ the officer's duty.

A violation of this section is ~~subject to § 41-8-18~~ a Class 2 misdemeanor.

Section 2. That § 41-8-18 be amended to read as follows:

41-8-18. A violation of § 41-8-2, 41-8-6, or 41-8-15 ~~or 41-8-17~~ is a Class 1 misdemeanor for each prohibited act or each big game animal or any part thereof, taken, caught, killed, sold, offered, or exposed for sale, in possession or in possession with intent to sell, shipped by common carrier, or transported to any point inside or outside the state in violation of law. Upon conviction of any person for hunting or taking big game, except wild turkey, during the nighttime, during a closed season or without a license, the court shall ~~revoke that person's hunting privileges for a period of one year, and~~ impose a fine of not less than two hundred fifty dollars for each animal involved and that person shall be required to serve a minimum of three days in the county jail and shall have their hunting privileges revoked pursuant to §§ 41-6-74.1 and 41-6-74.2. A second or subsequent conviction of any person for hunting or taking big game, except wild turkey, during the nighttime, during a closed season, or without a license is a Class 6 felony. In addition, the court shall revoke that person's hunting privileges for a period of five years.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to Agriculture and Natural Resources. H.J. 16

3 1/18/00 Scheduled for Committee hearing on this date.

4 1/18/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 12, NAYS 1.

5 H.J. 127